

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARK HOFF,

Petitioner,

vs.

STEVE LARKINS,

Respondent.

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Case number 4:07cv0514 TCM

ORDER

Pending in this 28 U.S.C. § 2254 action is a pleading filed by petitioner, Mark Hoff, seeking to supplement the claims in his petition with an additional ground alleging that a detective in his underlying state criminal case violated the rules of discovery. Leave to amend shall be granted. This does not insulate the amended claim from any defenses Respondent might raise as to its timeliness. See Day v. McDonough, 547 U.S. 198, 208 (2006). Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for leave to file supplemental claim is **GRANTED**. [Doc. 16]

IT IS FURTHER ORDERED that Respondent is to show cause in writing and within 45 days of the date of this Order why the relief requested in the supplemental claim should not be granted. In addition to addressing the merits of Petitioner's supplemental claim, Respondent should state whether this claim is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.

IT IS FURTHER ORDERED that if Petitioner chooses to file a reply to Respondent's "Response to Order to Show Cause," he shall file such reply within 30 days of

the date of the Response. If Petitioner fails to timely file his reply, the right to file a reply shall be waived. See Rule 5(e) of the Rules Governing § 2254 Cases.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of September, 2008.